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Summary record of the 2622nd meeting
Held at Headquarters, New York, on Wednesday, 1 April 2009, at 11 a.m.

Chairperson: Mr. Iwasawa
later: Ms. Majodina (Vice-Chairperson)
later: Mr. Iwasawa (Chairperson)

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09-30801 (E)

The meeting was called to order at 11.25 a.m.

Tribute to the memory of former Argentine President Raúl Alfonsín

1. **Mr. Salvioli** paid tribute to the memory of former Argentine President Raúl Alfonsín, whose death had been announced the previous day. President Alfonsín had restored democracy in Argentina after a period of military dictatorship and had ensured the prosecution of many of those who had been responsible for torture, killings and disappearances in the country during that period. He had been a staunch supporter of human rights.

Follow-up to concluding observations on State reports and to Views under the Optional Protocol

Progress report of the Special Rapporteur for follow-up on concluding observations (CCPR/C/95/2)

2. **Sir Nigel Rodley** (Special Rapporteur for follow-up on concluding observations), introducing his report (CCPR/C/95/2), said that it followed the standard format and set out the current status of responses to the Committee's concluding observations and in some cases included recommendations for action. Some follow-up activities were yet to be indicated and would hinge on the results of the Committee's subsequent discussion of its working methods. Questions to be resolved included whether the Rapporteur or the Committee itself should remind States parties when their reports were overdue; and whether follow-up action should be terminated after a given period with no response.

3. **Mr. Rivas Posada** said the Committee had been discussing for several years the desirability of refining the reports and of going beyond a mere statement of the completeness of the information provided by States parties. He believed that a consensus had been reached on the need to expand the reports to include qualitative comments and an evaluation of the steps taken by States parties. He hoped that the next report would be drawn up according to a new standard format in line with that requirement.

4. **Mr. Thelin** said that he would have appreciated an overall picture of the situation of each State party so as to understand the context of responses obtained or sought. The extent of non-compliance could not be assessed without a reference to the overall situation, which could be shown by means of a simple chart.

5. **Sir Nigel Rodley** recalled that not long previously a proposal had been made and approved for the full-time assignment of a staff member to provide that service; however, no one had ever been made available full time or indeed on a significant part-time basis. That said, the report in its current form did not purport to provide an overall picture but simply an indication of States parties' responses to requests over a one-year period. It might well be useful to have a detailed list of overdue responses, but that would depend on the resources made available by the secretariat.

6. **Ms. Wedgwood** agreed that it would be useful to have a substantive qualitative report on how each State party was performing, particularly in cases of regression or inaction, and likewise wondered whether a staff member might be made available for that purpose.

7. **Sir Nigel Rodley**, addressing the situation of individual States parties, said that the Gambia had not shown any interest in cooperating with the Committee and had consistently failed to engage in any dialogue with it. The matter had been referred to the High Commissioner for Human Rights.

8. **Ms. Wedgwood** asked if it was known whether the High Commissioner had sought a meeting with a representative of the State party.

9. **Ms. Prouvez** (Secretary of the Committee) said that efforts had been made by the Africa branch of the Office of the High Commissioner to secure a response from the State party but that there was no information to date on any results achieved.

10. **Sir Nigel Rodley** drew the Committee's attention to a number of cases where the "Recommended action" in the report was yet to be completed, namely: Mali, Suriname, Namibia, Brazil, Paraguay, Democratic Republic of the Congo, Central African Republic, United States of America, Honduras, Ukraine, Barbados, Madagascar and Czech Republic. He proposed that in several of the cases that the Committee should authorize him to request the High Commissioner's agreement to terminate follow-up activities pending receipt of the respective periodic report. Such action might be taken following the Committee's decision on its working methods.

11. **Ms. Wedgwood** asked Sir Nigel Rodley for further information about Sri Lanka, following his experience as part of a group invited to advise the Government on human rights in the context of the ongoing conflict.

12. **Sir Nigel Rodley** said that he had been part of a panel known as the International Independent Group of Eminent Persons (IIGEP) whose members had also included current and former Committee members Mr. Bhagwati and Mr. Shearer, respectively, and which had been set up by the President of Sri Lanka to monitor a commission of inquiry into human rights violations in the country. The panel had finally decided to resign, essentially because its recommendations had been disregarded. It was not appropriate to refer to the findings of that panel in the context of the report being discussed, which concerned only particular paragraphs of the Committee's concluding observations.

13. In the case of Brazil, he raised the possibility of a further reminder being sent, following his recent meeting with a representative of the State party. The question of how long the Committee should then wait before proceeding to the next stage should be addressed during the discussion on working methods.

14. In the case of both the Central African Republic and Madagascar, the recommended action should be to continue seeking a meeting with a representative of the State party. The recommended action regarding the Czech Republic, Honduras, Ukraine and the United States of America should be to send a further reminder.

15. Turning to Barbados, he said that he had met with a representative of the State party on the previous day. The fact that the State party had provided a response needed to be reflected in the progress report; the recommended action should be to consider the State party's response at the Committee's ninety-sixth session.

16. **Ms. Majodina** inquired as to the status and obligations under the Covenant of those States parties for which no further action had been recommended in the progress report.

17. **Sir Nigel Rodley** said that the Committee's decision to discontinue further engagement with those States parties for which no further action had been recommended had been taken at its previous session. If, as he hoped, the Committee itself would be responsible for reminding States parties automatically when their reports were overdue, the Committee should recommend terminating follow-up, as it was not appropriate to request feedback on previous concluding observations when the State party should be in the process of drafting its next periodic report.

18. *The recommendations contained in the progress report of the Special Rapporteur for follow-up on concluding observations, as amended, were approved.*

19. *Ms. Majodina (Vice-Chairperson) took the Chair.*

Interim progress report of the Committee on individual communications (CCPR/C/95/4)

20. **Mr. Iwasawa** introduced the follow-up progress report of the Committee on individual communications (CCPR/C/95/4), which compiled information received since the Committee's ninety-fourth session.

21. *The recommendations contained in the follow-up progress report of the Committee on individual communications were approved.*

22. *Mr. Iwasawa resumed the Chair.*

Organizational and other matters (*continued*)

Working methods (*continued*)

23. **The Chairperson** invited members' views on the various proposals to amend rule 96 of the Committee's rules of procedure to deal with the problem of undue delay in the submission of communications.

24. **Sir Nigel Rodley** said that the matter of delay was not dealt with explicitly in the Covenant. It would perhaps be useful to review the *travaux préparatoires* for the Covenant to see whether and how the subject had been discussed. He urged an initial, more general discussion on the problem of undue delay and the abuse of the right of submission, which could then be followed by a more specific discussion of the contents of a rule or rule change, if that seemed called for.

25. **Mr. Amor** said the Committee needed to ask itself whether it wanted a rule specifying a time limit on submissions, then whether such a rule should be part of the existing rule 96 or be simply a footnote. Then, a time limit must be set and, finally, a decision had to be taken as to whether exceptions to the time limit could be allowed and on what grounds.

The meeting rose at 1 p.m.